

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat, as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On March 31, 1931, the Great Atlantic & Pacific Tea Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, and having agreed that the product be reconditioned so that it contain at least 80 per cent of milk fat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,600, conditioned in part that it be reworked and reprocessed so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18253. Misbranding of butter. U. S. v. 3 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26406. I. S. No. 15520. S. No. 4043.)

Samples of butter from the shipment herein described having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On January 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three cases of butter, remaining unsold at Union City, N. J., alleging that the article had been transported in interstate commerce by Heins & Co. (Inc.), Union City, N. J., from the premises of Gude Brothers Kiefer Co., New York, N. Y., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Wrapper) "Fancy Print Butter Philadelphia Brand Sweet Eight Ounces."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Eight Ounces," was false and misleading and deceived and misled the purchaser; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "Eight Ounces" was incorrect.

On February 11, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18254. Adulteration of butter. U. S. v. 24 Tubs of Butter. Decree of condemnation and forfeiture. Product released under cash bond. (F. & D. No. 26405. I. S. No. 5092. S. No. 4114.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard provided by act of Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On January 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 tubs of butter, remaining in the original unbroken packages at Somerville, Mass., consigned about January 15, 1931, alleging that the article had been shipped by the Pipestone Produce Co., Pipestone, Minn., and had been transported from the State of Minnesota into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, which the article purported to be, the act of Congress of March 4, 1923, providing that butter should contain not less than 80 per cent by weight of milk fat.

On February 2, 1931, the First National Stores (Inc.), Somerville, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of \$500 in lieu of bond, conditioned in part that it be reworked under the supervision of this department so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*